

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**IN RE: PHILIPS RECALLED CPAP, BI-
LEVEL PAP, AND MECHANICAL
VENTILATOR PRODUCTS LIABILITY
LITIGATION**

This Document Relates To:
All Actions

Master Docket: Misc. No. 21-01230

MDL No. 3014

JOINT NOTICE OF UPDATED TIMELINE OF PERTINENT MDL DATES

The parties jointly submit this updated timeline of upcoming deadlines in *In Re: Philips Recalled CPAP, Bi-Level PAP, and Mechanical Ventilator Products Litigations* (MDL No. 3014).¹

Date	Event	ECF No.
8/22/2023	Deadline for Plaintiffs' Amended Opposition to KPNV's Motions to Dismiss for Lack of Personal Jurisdiction, in which Plaintiffs will identify all exhibits ² they intend to rely on at the evidentiary hearing as well as all witnesses they intend to call	Order at August 8, 2023 Conference
8/31/2023	Deadline for any Plaintiffs' motions to remand to state court	1901
8/31/2023	Plaintiffs' and Defendants' document productions to be substantially complete for Economic Loss and Medical Monitoring class actions	1911
9/5/2023	Deadline for KPNV's Amended Reply in Support of Its Motions to Dismiss for Lack of Personal Jurisdiction, in which KPNV will identify all exhibits it intends to rely on at the evidentiary hearing as well as all witnesses it intends to call	Order at August 8, 2023 Conference

¹ The Parties intend this notice to be a reference resource for the Court. The Parties do not intend this notice and the summaries of the deadlines to supersede the terms in the Court's orders.

² Given that Plaintiffs have requested depositions for the evidentiary hearing that will not be completed by the August 22 deadline for Plaintiffs' Amended Opposition, KPNV has agreed not to contest the addition of these deposition transcripts (and the exhibits marked at the depositions) as exhibits at the evidentiary hearing on timing-related grounds.

Date	Event	ECF No.
9/12/2023	Deadline for Plaintiffs' Pre-Hearing Submission for KPNV's personal jurisdiction motion	Order at August 8, 2023 Conference
9/19/2023	Deadline for KPNV's Pre-Hearing Submission for KPNV's personal jurisdiction motion	Order at August 8, 2023 Conference
10/31/2023	Deadline for Defendants' Responses to any motions to remand to state court (or Consolidated Response, if determined to be more efficient and effective)	1901
11/30/2023	Deadline for Plaintiffs' Replies in support of any motions to remand to state court	1901
1/16/2024	Plaintiffs' Rule 26(a)(2) expert disclosures relevant to class certification, for Economic Loss class action	1911
2/28/2024	Conclusion of all fact discovery related to class certification, including Party and non-party fact depositions, for both Economic Loss and Medical Monitoring class actions	1911
3/1/2024	Defendants' Rule 26(a)(2) expert disclosures relevant to class certification, for Economic Loss class action	1911
3/15/2024	Plaintiffs' Rule 26(a)(2) expert disclosures relevant to class certification, for Medical Monitoring class action	1911
4/1/2024	Plaintiffs' Rule 26(a)(2) rebuttal disclosures relevant to class certification for Economic Loss class action	1911
5/1/2024	Deadline to complete expert depositions relevant to class certification for Economic Loss class action Defendants' Rule 26(a)(2) expert disclosures relevant to class certification for Medical Monitoring class action	1911
6/3/2024	Plaintiffs file motion for class certification for Economic Loss class action	1911
6/10/2024	Plaintiffs' Rule 26(a)(2) rebuttal disclosures relevant to class certification for Medical Monitoring class action	1911
7/1/2024	Defendants file class certification opposition for Economic Loss class action	1911

Date	Event	ECF No.
7/15/2024	Deadline to complete expert depositions relevant to class certification for Medical Monitoring class action	1911
8/1/2024	Plaintiffs file class certification reply for Economic Loss class action	1911
8/15/2024	Plaintiffs file motion for class certification for Medical Monitoring Class Action	1911
8/21/2024	Parties file Rule 702/ <i>Daubert</i> motions on class certification issues for Economic Loss class action	1911
9/20/2024	Oppositions to Rule 702/ <i>Daubert</i> motions on class certification issues for Economic Loss class action	1911
10/1/2024	Defendants file class certification opposition for Medical Monitoring class action	1911
10/2024 or 11/2024	Potential hearing date on class certification and related Rule 702/ <i>Daubert</i> issues for Economic Loss class action, subject to Court's scheduling	1911
11/1/2024	Plaintiffs file reply in support of class certification for Medical Monitoring class action	1911
12/6/2024	Parties file Rule 702/ <i>Daubert</i> motions on class certification issues for Medical Monitoring class action	1911
1/6/2025	Parties file Rule 702/ <i>Daubert</i> oppositions on class certification issues for Medical Monitoring class action	1911
2/2025 or 3/2025	Potential hearing date for Rule 702/ <i>Daubert</i> motions on class certification experts for Medical Monitoring class action, subject to Court's scheduling	1911

Pursuant to Pretrial Order #28 (ECF No. 783), the following procedures and deadlines apply to the Amended Master Personal Injury Complaint and Individual Short Form Personal Injury Complaints.

Date	Event
Within sixty (60) days of the date on which the Court issues a ruling as to its motion to dismiss the	Deadline for Defendant to file a Master Answer to the Amended Master Personal Injury Complaint.

Date	Event
Amended Master Personal Injury Complaint ³	
Within forty-five (45) days of the date on which the Court issues a ruling granting Plaintiffs' Co-Lead Counsel leave to amend the Amended Master Personal Injury Complaint	Deadline for Plaintiffs' Co-Lead Counsel to file a Second Amended Master Personal Injury Complaint
Within fourteen (14) days of filing a Short Form Complaint	Deadline for Personal Injury Plaintiffs to upload their Short Form Complaint to the online MDL Centrality System accessible at www.mdlcentrality.com/ pursuant to Pretrial Order # 27
Within twenty-one (21) days after service of the Master Answers to the Amended Master Personal Injury Complaint by Defendants	Deadline for any Personal Injury Plaintiff, who has filed a Short Form Complaint, to amend the same for any reason
Within twenty-one (21) days after service of Short Form Complaint	Deadline for any Personal Injury Plaintiff, who files a Short Form Complaint after the filing of the Master Answers to the Amended Master Personal Injury Complaint, to amend the same for any reason
Within twenty-one (21) days after selection for inclusion in the pool from which bellwether cases are to be selected	Deadline for any Personal Injury Plaintiff, whose case is subsequently chosen for inclusion in the pool from which bellwether cases are to be selected, to amend his or her Short Form Complaint

Date: August 15, 2023

Respectfully submitted,

/s/ John P. Lavelle, Jr.

John P. Lavelle, Jr.

Lisa C. Dykstra

MORGAN, LEWIS & BOCKIUS LLP

1701 Market Street

Philadelphia, PA 19103-2921

T 215.963.5000

john.lavelle@morganlewis.com

lisa.dykstra@morganlewis.com

/s/ Kelly K. Iverson

Kelly K. Iverson

LYNCH CARPENTER, LLP

1133 Penn Avenue, 5th Floor

Pittsburgh, PA 15222

(412) 322-9243 (phone)

kelly@lcllp.com

/s/ Christopher A. Seeger

Christopher A. Seeger, Esquire

SEEGER WEISS LLP

55 Challenger Road, 6th Floor

/s/ Wendy West Feinstein

Wendy West Feinstein

³ If a motion to dismiss the Amended Master Personal Injury Complaint does not result in the dismissal of the Amended Master Personal Injury Complaint in its entirety, and provided that the Court does not grant leave to amend the Amended Master Personal Injury Complaint.

MORGAN, LEWIS & BOCKIUS LLP
One Oxford Center, 32nd Floor
Pittsburgh, PA 15219-6401
T 412.560.3300
wendy.feinstein@morganlewis.com

Counsel for Defendant Philips RS North America, LLC

/s/ Michael H. Steinberg
Michael H. Steinberg
SULLIVAN & CROMWELL LLP
1888 Century Park East
Los Angeles, CA 90067
T (310) 712-6670
steinbergm@sullcrom.com

/s/ Tracy Richelle High
Tracy Richelle High
William B. Monahan
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, NY 10004
T (212) 558-7375
hight@sullcrom.com
monahanw@sullcrom.com

Counsel for Defendants Koninklijke Philips NV, Philips North America LLC, Philips Holding USA Inc., and Philips RS North America Holding Corporation

/s/ Eric Scott Thompson
Eric Scott Thompson
FRANKLIN & PROKOPIK
500 Creek View Road, Ste. 502
Newark, DE 19711
302-594-9780
ethompson@fandpnet.com

Attorney for Defendant Polymer Technologies, Inc. Elastomeric Solutions Division

Ridgefield Park, NJ 07660
(973) 639-9100 (phone)
cseeger@seegerweiss.com

/s/ Sandra L. Duggan
Sandra L. Duggan, Esquire
LEVIN SEDRAN & BERMAN LLP
510 Walnut Street, Suite 500
Philadelphia, PA 19106
(215) 592-1500 (phone)
(215) 592-4633 (fax)
sduggan@lfsblaw.com

/s/ Steve A. Schwartz
Steve A. Schwartz
CHIMICLES SCHWARTZ KRINER & DONALDSON-SMITH LLP
361 West Lancaster Avenue
One Haverford Centre
Haverford, PA 19041
(610) 642-8500 (phone)
steveschwartz@chimicles.com

Plaintiffs' Co-Lead Counsel

/s/ D. Aaron Rihn
D. Aaron Rihn, Esquire
ROBERT PIERCE & ASSOCIATES, P.C.
707 Grant Street
Suite 125
Pittsburgh, PA 15219
412-281-7229
412-281-4229 (fax)
arihn@peircelaw.com

Plaintiffs' Co-Liaison Counsel

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed via the Court's CM/ECF system on this 15th day of August 2023 and is available for download by all counsel of record.

/s/ D. Aaron Rihn _____

D. Aaron Rihn, Esquire
PA I.D. No. 85752
ROBERT PEIRCE & ASSOCIATES, P.C.
707 Grant Street
Suite 125
Pittsburgh, PA 15219
Tel: 412-281-7229
Fax: 412-281-4229
arihn@peircelaw.com